

WASTE 2 RESOURCES ADVISORY COMMITTEE

**** MEETING SUMMARY ****

November 15, 2011, 9:30 a.m.

John Sherman, Vice Chair, called the meeting to order at 9:30 a.m., and introductions were made. John asked for a motion to approve the September 6 meeting notes. There was a motion to adopt them. The motion was seconded and the notes were approved.

Budget Update - Laurie Davies

Contact: 360-407-6103, Laurie.Davies@ecy.wa.gov

The Legislature will reconvene on November 28 to address the current budget shortfall. The Governor's Supplemental Budget will be released on November 21 or 22.

Governor Gregoire has shared her list of potential budget reductions. Nearly \$2 million in cuts are for Ecology. The Governor solicited state agencies for budget reduction ideas. The Waste 2 Resources Program proposed two cuts: a Fiscal Tech position to help process grants; and a reduction to the Public Participation Grants (PPG) program (MTCA funds). The PPG cut was offered on scalable level – We do not know how much the Governor and Legislature will take. We asked grant recipients to stop spending effective November 4. Recipients authorized to spend grant dollars up to November 4 will be reimbursed for eligible expenses.

Suellen Mele talked about how devastating PPG cuts are to recipients who do environmental work. To take so much from one area is really challenging. If Ecology had to do comparable work, it could be more expensive. Cuts to PPG are very significant for nonprofits with small budgets. Also, there was a lot of concern among grant recipients about not being reimbursed for expenses from July through October. That has since been clarified.

Sego Jackson echoed Suellen's comments. Grant recipients perform important work on the ground that government agencies can't. It will really help communities if we can keep the funding.

Laurie Davies said the Governor's Office has heard concerns about cuts to PPG loud and clear. MTCA was set up to fund cleanup and prevention. Over the last two to six years, oil companies have watched Washington State redirect dedicated MTCA funds to bail out the state General Fund. MTCA stakeholders are very concerned about this approach.

Sandra Cannon asked if there are legal issues around redirecting MTCA funds which are dedicated funds by statute. Laurie said people have brought that up, but some would argue the budget the Legislature passes is a law, too.

Suellen reminded the group that budgeting is a prioritization process. Ideas for budget cuts we have brought forward are spreading the pain. However, PPG cuts are not the right pain to share. Suellen knows there will be a lot of cuts, but hopes they won't be made to PPG.

Laurie noted we were not asked for proposals on cuts to the Capital Budget.

Funding & Program Priorities - Laurie Davies & Sally Toteff

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Laurie Davies started the discussion by saying the Waste 2 Resources (W2R) Program is dealing with variety of legislative and budgetary directives. In the 30 years of the program's history, there has been a waste management hierarchy in Washington State – that is what citizens and the Legislature wanted. WRRLCA was set up to have 50 percent go to litter pickup, which taxpayers wanted; 30 percent for work on waste reduction and recycling activities; and 20 percent for grants to local governments for litter reduction and pickup. The recent budget proviso directed us to focus on work contrary to what statute directs us to do.

Laurie told the committee how much she values them. She wants input from a variety of organizations and interest groups on how well we are managing our resources and what we could do differently. Laurie introduced Sally Toteff, Southwest Regional Office Director, as facilitator of the discussion.

Sally said that Laurie wants to listen and participate in this discussion. The game plan is to look at the questions that were sent to the group in advance and get comments:

- *Where should we focus our limited resources to further our statutory priorities to reduce waste and increase recycling?*
- *Are there activities we should be focusing on that aren't on our current summarized list of program work areas?*

Questions were asked about the FTE and activities breakdown for W2R, and the budget proviso and suspended activities.

Jody Snyder asked about the goal of this discussion considering budget cuts have already been proposed and sent to the Governor.

There is discussion among stakeholders about whether our priorities are correctly aligned. If W2RAC would recommend that we spend differently, then how? Do we need to reprioritize? If so, how given the statutes that govern our work?

Laurie talked about the work areas summary and how various functions are funded. She mentioned that staff duties are easily categorized between solid waste management and prevention.

Suellen Mele said she is still having a problem with “partial suspension” of some activities and what that means. She asked about the Children’s Safe Products Act. The partial suspension means we have a little less funding for AAG support and testing products. Laurie said CSPA work remains a high priority, and no staff working on either CSPA or chemical action plans was reduced. “Suspended work” has stopped altogether, e.g. we are not working on green building. We are not dedicating staff to that work. We continue to look at C&D recycling because it is one of the largest waste streams going into landfills.

Laurie pointed out that we are required to do a state solid and hazardous waste plan. “Beyond Waste” happens to be the title of that plan. The budget proviso explicitly called out not spending WRRLCA funds on “the Beyond Waste Plan.” We are required to update the state plan every five years. We just updated the plan and have suspended work this biennium that would prepare us for the next plan update.

Carolyn Logue commented we need to look at how much money is associated with activities in the budget prioritization process. It is good to show who pays the taxes. We need to look at the funding sources and align them with what we are doing.

Suellen and Laurie talked about the total cut/redirection from the WRRLCA account. It was \$7 million, which includes \$4 million carried forward from last biennium.

A roundtable began to get input from the group on the two questions asked about resource priorities and activities.

Sego Jackson said he has not heard of anyone willing to step forward to take responsibility for the budget proviso. It was a horrible way to do things and not done well. It’s hard to understand the focus on schools and that the authors didn’t include others. He had no luck finding it in the budget even after calling the Legislative Hotline. He thinks Laurie has done a decent job responding to it.

Sego said he would like to see in the long-term more resources dedicated to product stewardship approaches, e.g. mercury lighting. The 1-800 Recycle Hotline is a good resource that county staff uses. He asked whether we could move the hotline to e-cycle funding. Marine debris is an item that’s missing. Whose jurisdiction is that?

Rick Havlaka said the question is more about where we should spend our priorities. He wants to see CPG continued. Regarding CPG grants, he wonders if there is some way to streamline application processing/reporting and outcomes. He echoed support for 1-800 Recycle Hotline. He asked if people get a recorded message when they call the Litter Hotline. The answer was yes.

Carolyn Logue would like to see sources of funds and how they are spent. We should look at priorities within each fund. Preventing and picking up litter are huge priorities, and if EYC is a means to do that, she is supportive. Also, she is concerned about packaging and plastic bags. Her clients are always under fire for plastic bags. They can be returned to stores.

The priorities she would like to see are recycling, composting, and MRW, but not green building. Regarding green building, people are not paying in for building products, so money should not be used for that. Crosswalk what activities are funded with who is paying for them. What's missing is the link between technical assistance to locals, and plastic bags and litter. We need more aggressive responses to products. There are ways to recycle plastic bags, so we need to focus more on recycling. Work on reducing barriers to local governments to support plastic bag recycling.

Kimberly Shanley echoed Carolyn's comments on plastic bags. We need to look beyond traditional recycling at the hard-to-recycle products, such as plastic bags. She is concerned about organics recycling as well. We should look beyond traditional recycling. Regarding the solid waste laws update and rule revision, work still needs to be prioritized.

She asked if fees can completely support mercury lights and other product stewardship programs. Laurie said we have to get the Legislature's authorization to charge Ecology's fee. We are clarifying in rulemaking what "fully fund" the program means and how Ecology's administrative fees will be charged. Kimberly added that we need to ensure Ecology's administrative costs can be covered for product stewardship items, and also asked if the -351 rule work is still moving forward. The answer was yes. She did not have any ideas for missing activities.

Jerry Smedes said tension around funding is getting tighter and tighter. How do you focus on core programs and priorities while keeping up with the changing waste stream and evolving technology? First focus on core programs. Ensure they are functioning and effective. If we are looking at new approaches and programs, recognize they are new and different. Then figure out how to fund those on top of, not instead of, core programs. Get into a dialogue on where money is coming from and how we keep up with changes. Jerry's definition of core programs included outreach and education on recycling, permits, and technical assistance. He acknowledged that others around the table might have a different definition of core programs. He did not have any missing priorities to add to the list.

Jim Sells said if Brad Lovaas were here, he would say "*enforcement, enforcement, enforcement.*" As an example, Jim talked about illegal dumping issues in Pierce and Yakima counties, which included broken glass issues in Pierce County and out-of-county wastes in Yakima County. Ecology needs to keep providing assistance on illegal dumping. The other priority is transporter registration. Do we want to get rid of that? Perhaps move it to the Washington State Department of Transportation, Washington Utilities and Transportation Commission, or the Washington State Patrol?

Jody Snyder liked what Carolyn said, and talked about litter and illegal dumping. These issues are connected with transporting issues. We need to tie these together to best focus on prevention. We need to stop it from occurring in the beginning. Also, a lot of people want to keep the 1-800 Recycle number. Regarding illegal dumping, Laurie asked if Jody has other ideas on how we can help local governments with enforcement. We could look at rule changes, and maybe local governments could use enforcement grants for prosecution. Jody said she would like to have a conversation about that.

Bill Reed echoed Sego's product stewardship comment. We need to move more products and activities onto the list that has producer funding. We also need to continue to conduct the recycling survey, and continue the solid waste laws update dialogue.

David Baker wants to see the 1-800 Recycle Hotline continue. Local programs refer to the hotline a lot. Outdated phone numbers can be a real problem. He wants to see the hotline kept alive. We need to see the big picture impact (his company gets business from the hotline). Also, regarding suspension of further development of the Beyond Waste Plan, David sees that impacting implementation, e.g. cutting out green building altogether. Are there other ways we could fund green building activities? David said funding strategies (product stewardship) is missing on W2R's list. Regarding the solid waste laws update, incineration is listed twice on the hierarchy. Why? This could be addressed in the update.

Scott Windsor said priorities are illegal dumping and fraudulent recycling. We need followup on where material ends up. We know where curbside recycling goes, but not commercial recycling. There is currently no oversight for C&D recyclers and other commercial recyclers as well. Laurie said one thing to look at may be the exempt status in the law. Scott said there is no oversight to ensure that material is actually being recycled or put to beneficial use. Licensing and enforcement should ensure materials are recycled. Also, for food waste, we should ensure it gets composted. And what about car batteries? We should look at updating the core charge of \$5 when they are getting \$15 a battery now.

Suellen echoed the budget proviso is very problematic, and hopes Ecology will ask for changes. She also hopes whoever brought it forward will come forward and discuss what their intent was. We need to look at fee generated activities. She supports the idea of product stewardship -- it's a good strategy for funding. Keep work going on it, and expand efforts to include more products.

Also, the Children's Safe Products Act and PBTs should continue to get emphasis. We do not have people on the W2RAC who specifically deal with toxics in products to speak more to this issue. Another priority is the commingled recycling effort.

One thing not on the list is paying attention to recycling going to the highest and best use. Move toward true closed loop recycling if we really want to have an environmental impact. We need data on this. Commingled recycling touches this; so does organics work. This list is also missing work on packaging. Plastic bag issues are just the tip of the iceberg. The phone calls Suellen gets are around packaging. There are a number of things on the list which Suellen is not

clear if the best focus is state or local governments doing the work (green building, C&D recycling.) The hotline should be a state effort. Suellen said she is very supportive of CPG grants. They are important, and of course so is PPG, and a suitable role for the state.

Wendy Mifflin had comments to share from her colleagues in central and eastern Washington, and even one from Hawaii. They included:

- W2R should not initiate any new initiatives at this time when budgets are so tight.
- W2R should look at past budgets and priorities to guide us now.
- Any cuts should come from the latest added programs.
- Do not impose any new regulations or requirements.
- Focus on regulations that are inhibiting jobs in eastern and central Washington. Laurie asked Wendy to send her specifics on these regulations.

Wendy said she recognizes that Department of Corrections litter crews are expensive. She gave her funds back to Ecology for EYC use because of this. She said there are opportunities like this to work together to make budgets go farther. We need to have discussions with local governments on how we can work together. Wendy invited Laurie to come to an eastside solid waste manager's meeting. Laurie eagerly accepted.

Michael Transue said he agrees with the difficulty of this task. He also agrees with a number of comments on prioritization. He would like to see a breakdown of activities and FTEs by fund source.

John Sherman said on behalf of Art Starry, the proposed or summary is as good as it will get in tough times. Art's priorities are grants and technical assistance to local governments. They should continue. Also, Ecology has done a good job tracking performance measures. He likes the indicators and the Clearinghouse. Updating the compost rules is important.

John said there isn't a lot of latitude with the budget proviso. He agrees with the continued focus on technical assistance/facility compliance. We want to make sure infrastructure continues to run well. It is also important to keep working on statutory and regulatory revision processes. Clearer laws and rules will help him and others do a better job.

Chris Piercy said some of the most viable work Ecology does is data management, e.g. the Waste Characterization Study and the Recycling Survey. He is concerned about suspension of the Waste Characterization Study. This study helped Ecology move to a focus on C& D materials. He is also concerned about losing PPG funding support of green building. Nonprofits' work in this area is needed. W2R needs to make it a high priority to retain that funding. Chris also supports product stewardship and said we should move more products to this system.

Rob Guttridge said W2R should emphasize product stewardship. He asked if some of this funding could help fund the development of framework. For organics, focus on standards for feed stocks. W2R needs more strategies for solid waste financing; tipping fees are not adequate. Rich also thinks W2R needs to streamline CPG administrative processes and would like to see a statewide workgroup on this.

Steve Holderby said W2R does a great job prioritizing available resources. He echoed the sentiment about stopping illegal dumping.

Matt Henry echoed comments on illegal dumping and lost revenues. The -351 rule, especially the Research, Development and Demonstration piece can continue to improve on disposal practices and economics. It is good to see that technical assistance hasn't been cut. We will need it as the rules change. Matt likes the transparency around where W2R's funding goes. W2R should also show the budget associated with each work area category.

Derald Orloff concurred with comments on issues around limited funding and priorities. There could be more education on illegal dumping, but more so littering and its impact. People don't know how litter accumulates. Education should be continuous. Plastic bags are Derald's biggest concern – they should be outlawed.

Sally Toteff said she heard the group touch on all items in the work areas summary. The most important (elevated) items she heard aside from enforcement and illegal dumping were litter prevention and pickup; maintaining the 1-800 Recycle Hotline; moving more products toward product stewardship; and looking at how funding is set up for the future.

Laurie said we will talk about illegal dumping at the January W2RAC meeting. Think about what you would like Ecology to do as solutions. We should also talk about funding, and who pays what and where it's going. Also, we should discuss if there are other things we can do with existing laws. If changes are needed, let's look at proceeding in a way other than a proviso in the back of the budget. Sego said we should also talk about marine debris.

Agenda Items for Future Meetings

- Illegal Dumping Discussion, Including Marine Debris – January 2012
- Update from EPA Region 10 on Solid Waste Issues on Tribal Lands – Fran Stefan, January 2012
- CPG Applications – Shelly McMurry, January 2012
- Presentation on Public Participation Grants - Jason Alberich, January 2012
- Commingling Workgroup Update – Shannon McClelland, January 2012

- Recycling Discussion – January 2012
- Beyond Waste Progress Report – Janine Bogar & Chris Chapman, January 2012
- Update on Mercury Rule Each Meeting Until May 2012
- EPA's New Sustainable Materials Management Program – Issues We Can Work on Together
– Lisa McArthur, TBD

Meeting adjourned at 12 p.m.

Submitted by: Susanne McLemore